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Reply to: Morristown

September 9, 2021

**Via CM/ECF and E-Mail**

Hon. Christine M. Gravelle, U.S.B.J.  
United States Bankruptcy Court  
Clarkson S. Fisher US Courthouse  
402 East State Street  
Trenton, NJ 08608  
[chambers\\_of\\_cmg@nj.uscourts.gov](mailto:chambers_of_cmg@nj.uscourts.gov)

**Re: In re Evergreen I Associates, LLC; Evergreen II Associates, LLC;  
Evergreen III Associates, LLC; Evergreen Plaza Associates, LLC  
Case Nos. 21-17116, 21-17118, 21-17119, 21-17120 (Joint Administration  
Motion To Be Filed)**

Dear Judge Gravelle:

We represent the Debtors, Evergreen I Associates, LLC; Evergreen II Associates, LLC; Evergreen III Associates, LLC and Evergreen Plaza Associates, LLC (collectively, the "Debtors"), which voluntarily commenced the above-referenced chapter 11 cases earlier today (the "Chapter 11 Cases").<sup>1</sup> Given the fact that my firm's bankruptcy group was only retained by the Debtors this week, the Chapter 11 Cases were filed on an emergent basis without having filed a "first day" declaration and without any "first day" motions. We intend to file these motions in short order.

While we prepare these motions, I write to request that the Court schedule a status conference on an expedited basis, subject to your Honor's availability, to be convened as early as tomorrow if possible. By way of very brief background, the Debtors' secured lender, Pender Capital Asset Based Lending Fund I, L.P. ("Pender Capital")<sup>2</sup>, commenced a prepetition foreclosure action in New Jersey state court, and obtained a foreclosure judgment, in connection with its preexisting mortgage against the Debtors' real property, which includes a shopping center as well as a large tract of undeveloped land located at 1722 Route 38, Mount Holly, Burlington County, New Jersey. In connection with that foreclosure action, a rent receiver was appointed and a

<sup>1</sup> We anticipate filing a motion for joint administration of the Chapter 11 Cases in short order.

<sup>2</sup> Pender Capital recently assigned its interest in its foreclosure judgment and underlying loan documents to 710 Route 38 ABL I Holdings, LLC ("Holdings"). Upon information and belief, Pender Capital and Holdings are related entities.

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foreclosure sale was scheduled to proceed earlier today. The Chapter 11 Cases were filed on an emergent basis to stay the foreclosure sale.

The Debtor has developed a strategy or plan for moving forward in the Chapter 11 Cases, which we submit will benefit all creditors, and which would like to discuss with the Court, the United States Trustee, Pender Capital and others that may desire to hear what we expect to occur in these cases. As a result, and because the Chapter 11 Cases were emergently filed without a first day declaration, we submit that it would be very useful for the Court to convene a status conference in order to understand the purpose and direction of these Chapter 11 Cases. We have copied, among others, Pender Capital, the prepetition rent receiver and the United States Trustee on this request. We will file a certification of service on the Court's docket confirming service on various parties.

We thank the Court for its consideration of this matter.

Respectfully submitted,

*/s/ Joseph L. Schwartz*

Joseph L. Schwartz

cc: All Parties Receiving CM/ECF Notice  
Parties on Certification of Service (to be filed)